

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Adrian Legaspi	Team: Team # 4	CCRB Case #: 201308561	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/22/2013 2:00 AM	Location of Incident: [REDACTED]	Precinct: 23	18 Mo. SOL 2/22/2015	EO SOL 2/22/2015	
Date/Time CV Reported Thu, 09/05/2013 12:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/13/2013 1:41 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Maynor Serrano	13184	934350	023 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Timothy Haluska	09943	950554	023 PCT
2. POM Brendan Flynn	04690	950423	023 PCT
3. POM Bryan Carney	26009	945555	023 PCT
4. POM Jonathan Goenner	15852	941821	023 PCT
5. POF Judy Biondolillo	18428	943374	023 PCT
6. POM Clarck Desire	13396	943160	023 PCT
7. POM Lesner Delgado	23066	946909	PSA 5

Officer(s)	Allegation	Investigator Recommendation
A.POM Maynor Serrano	Discourtesy: PO Maynor Serrano spoke rudely to § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Maynor Serrano	Force: PO Maynor Serrano used a chokehold against § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Maynor Serrano	Discourtesy: PO Maynor Serrano acted rudely toward § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

- On August 22, 2013, at approximately 2:00 a.m. PO Maynor Serrano and two unidentified officers, chased an unidentified male into [REDACTED], in Manhattan. § 87(2)(b) who is a security guard at [REDACTED], alleged that after PO Serrano failed to catch the unidentified male, he accused § 87(2)(b) and another security guard, § 87(2)(b) of helping the unidentified male escape the officers. According to § 87(2)(b) PO Serrano said, “What the fuck is wrong with y’all?” (Allegation A) § 87(2)(b) responded to PO Serrano’s remark by saying, “If you weren’t so fat, maybe you would have caught him.” After making this remark, PO Serrano approached § 87(2)(b) and choked him for approximately three to four seconds (Allegations B). After their physical interaction, PO Serrano allegedly said, “Fuck you!” and gave § 87(2)(b) the middle finger. (Allegation C).
- No arrest or summons resulted from the incident.

Mediation, Civil, and Criminal Histories

- At the time of § 87(2)(b) CCRB interview, his case was not eligible for mediation. On December 24, 2014 a FOIL request was submitted to the Comptrollers Officer to determine if § 87(2)(b) filed a Notice of Claim in regards to this incident. § 87(2)(b)
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- PO Serrano has been an officer for 10 years and has no substantiated allegations against him (encl.1). PO Serrano has a total of six allegations against him. The force allegations made against him in his past CCRB complaints are not consistent with the force alleged in this case. PO Serrano has two prior discourtesies pled against him, however one was unsubstantiated (CCRB case #200713275) and the other closed as complainant uncooperative (CCRB case #201114561).
- This is § 87(2)(b) first CCRB complaint (encl. 2).

Officer Identification Section

- According to PO Serrano’s memo book (encl. 38-39) he was working in uniform, out of marked RMP # [REDACTED] with PO Biondolillo from 11:15 p.m. on August 22, 2013 until 7:50 a.m. on August 23, 2013. This is corroborated by PO Biondolillo’s memo book (encl. 59-62). Both officers’ memo books place them in the general vicinity (106th Street between 1st Avenue to 2nd Avenue) at the general time of incident (2:15 a.m. according to their memo books, and 2:00 a.m. as reported by § 87(2)(b) [REDACTED] described the subject officer as a uniformed white or Hispanic male, in his early to mid-30s, standing 5’11” to 6’ tall, with combed back black hair, and a “chunky” build. He described the subject officer’s partner as a uniformed white female, standing approximately 5’6” to 5’8” tall, in her late 20s to early 30s, with a slender build, and blonde hair in a bun. PO Serrano is a 36 year old Hispanic male, standing 5’11” tall, with black hair, and weighing 240 pounds. PO Judy Biondollio (nee Holsgrove) is a [REDACTED] year old white female, standing 5’6” tall, has blonde hair, and weighs 135 pounds. § 87(2)(b)

§ 87(2)(b) descriptions of the subject officer and his partner are consistent with both PO Serrano's and PO Biondollo's pedigree information.

PO Serrano was interviewed at the CCRB on April 11, 2014 (encl.40-42). During his interview, PO Serrano was shown surveillance footage of the incident provided by § 87(2)(b) (encl. 23, IA#24). Six seconds into the video footage, he recognized himself on screen chasing an unidentified male, along with the other unidentified officers, who PO Serrano did not recognize. PO Serrano did not know their commands. PO Serrano acknowledged that at 19 seconds into the footage he was the only officer to go outside of the building, while the two other unidentified officers continued into the building. Shortly thereafter, part of an interaction is visible outside the building between two individuals. PO Serrano was given the subject officer's description as per § 87(2)(b). After reviewing the roll call, PO Serrano acknowledged that there was no other officer on the roll call, besides himself, who matched the description provided by § 87(2)(b).

PO Biondollo was interviewed at the CCRB on May 28, 2014 (encl.63-65). In her interview she also recognized PO Serrano in the video footage and acknowledged that he went outside while the other two unidentified officers went into the building. PO Biondollo denied recognizing the other two officers. PO Bryan Carney was interviewed at the CCRB on March 5, 2014 (encl.46-47) although he denied having any recollection of the incident he also recognized PO Serrano on screen, but denied recognizing the other two officers shown. Given the aforementioned information, it is recommended that all allegations be pled against PO Serrano.

- As for the identity of the two other officers who entered the building with PO Serrano, all officers interviewed including PO Bryan Carney on March 5, 2014 (encl. 46-47), PO Brendan Flynn on January 17, 2013 (encl. 51-52), PO Clarke Desire on August 14, 2014 (encl. 57-58), PO Timothy Haluska, on December 20, 2013, (encl. 69-70), and PO Lesner Delgado, assigned to PSA 5 (encl. 78-79) denied recognizing the other two officers on screen. Therefore no officer interviewed both from the 23rd Precinct and PSA 5 (commands which both cover the incident location) recognized the other two officers who chased the unidentified male with PO Serrano. The Event (encl.98) notes only that officers from the 23rd Precinct responded to the initial call that precipitated the chase leading to § 87(2)(b), and does not mention any officers from other commands. The Event (encl.98) notes that sectors A, E, and C responded to the call.

The officers assigned to Sector A were PO Goenner (white male), PO Carney (white male). As discussed earlier PO Carney denied being on scene and did not recognize any other officer besides PO Serrano. PO Goenner was with PO Carney at the time. As for the other officers assigned to sectors at the time, PO Henriquez's memo book (encl.80-82) only notes a gun run at 1:40 a.m. and then at 1:47 a.m. no gun recovered. However, it does not mention a location for the gun run. PO Henriquez's MOS photo (encl.83) does not match either of the unidentified officers seen in the video footage. Sgt. Kovall's memo book (encl.88-89) has no mention of any incident occurring at approximately 2:00 a.m. Although PO Lui's memo book (encl.91-93) notes that he responded, along with PO Desire (statement-encl.57-58, memo book-encl.54-56) to the initial Event which precipitated the chase, neither officer matches the officers seen on screen, as PO Liu is Asian and PO Desire is black.

PSA 5 also patrols that location, however the Event mentions nothing about officers from PSA 5 responding, nevertheless the Roll Call (encl.148-157) indicates that PO Delgado (statement-encl.78-79, memo book-encl. 72-77) and PO Merino (encl.94-97) were on patrol in the vicinity. Nevertheless PO Delgado did not recognize the

unidentified officers on screen. Given the aforementioned facts, the unidentified officers seen on screen, aside from PO Serrano, were not identified.

Contact to Civilians

- Between October 16, 2013 and April 30, 2014, § 87(2)(b) was called five times. When possible a voicemail message was left requesting that § 87(2)(b) call the CCRB. Between February 25, 2014 and May 22, 2014, three please call letters were sent to § 87(2)(b). None were returned to the CCRB. Despite these contact attempts as of December 24, 2014, § 87(2)(b) has not contacted the CCRB.

Findings and Recommendations

Allegation A – Discourtesy: PO Maynor Serrano spoke rudely to § 87(2)(b)

Allegation B – Force: PO Maynor Serrano used a chokehold against § 87(2)(b)

Allegation C-Discourtesy: PO Maynor Serrano acted rudely to § 87(2)(b)

§ 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

